

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEENA VARUGHESE, M.D., : 12 Civ. 8812 (CM) (JCF)

Plaintiff, :

MEMORANDUM
AND ORDER

- against - :

MOUNT SINAI MEDICAL CENTER, PATRICK:
LENTO, M.D., CARLOS CORDON-CARDO, :
M.D., and IRA J. BLEIWEISS, M.D., :

Defendants. :

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/16/14

In a motion filed in January 2014, plaintiff Leena Varughese, M.D., contended that certain documents withheld by the defendants (collectively, "Mt. Sinai") are not protected by the attorney-client privilege and sought to compel their submission for in camera review. I granted the motion (Memorandum and Order dated Jan. 31, 2014, at 5-6) and later ordered the defendants to provide the documents for my review notwithstanding a blanket deadline extension that had been imposed when Dr. Varughese's former attorney was relieved as counsel (Order dated Feb. 21, 2014; Order dated April 10, 2014). I have now reviewed the documents, which are identified by their entry number on the defendants' privilege log, and rule as follows:

Nos. 13 and 14 -- Privileged. These documents are duplicates of one another and the redacted portions are clearly privileged because they ask for information to enable in-house counsel to render legal advice.

No. 41 -- Privileged. This redacted portions of this e-mail chain seek legal advice regarding laws on workplace safety and provide information that would enable in-house counsel to render such advice.

No. 49 -- Privileged. The redacted portions of the e-mail chain comprise communications providing, seeking, or responding to legal advice.

No. 50 -- Privileged. The redacted portions of this document comprise three of the privileged e-mails from entry No. 49.

No. 51 -- Privileged. The redacted portions of this e-mail chain are duplicates of the redacted portions of entry No. 49.

No. 52 -- Privileged. The redacted portions of this document comprise three of the privileged e-mails from entry No. 49.

No. 53 -- Partially privileged. The portions of this e-mail chain that duplicate three privileged e-mails from entry No. 49 are properly redacted. The remaining e-mails do not primarily seek legal advice, but deal with conventional business concerns.

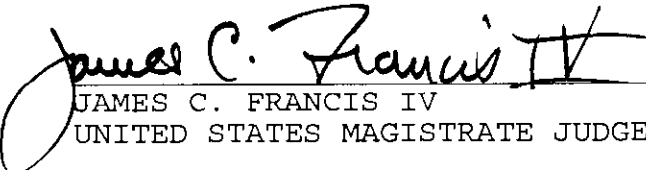
No. 54 -- Partially privileged. The redacted portions of this e-mail chain duplicate the redacted portions of entry no. 53, and my ruling is, therefore, the same.

No. 68 -- Privileged. This e-mail describes a question seeking legal advice.

No. 69 -- Privileged. This is an attachment to the e-mail in entry No. 68, and was prepared for review by in-house counsel.

Within three days of the date of this order, the defendants shall produce to the plaintiff new, properly redacted versions of the documents that I have determined include redactions of non-privileged material.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
April 16, 2014

Copies mailed this date:

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